

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CODY KENT ELKSHOULDER,

Defendant.

CR 18–62–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on August 2, 2018. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommended this Court accept Cody Kent Elksholder’s

guilty plea after Elkshoulder appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to Count I of the Indictment, which charge the crime of sexual abuse of a minor in violation of 18 U.S.C. §§ 1153(a) and 2243(a).

I find no clear error in Judge Cavan's Findings and Recommendation (Doc. 20), and I adopt them in full.

Accordingly, IT IS ORDERED that Cody Kent Elkshoulder's motion to change plea (Doc. 14) is GRANTED and Cody Kent Elkshoulder is adjudged guilty as charged in Count I of the Indictment.

DATED this 20th day of August, 2018.



Dana L. Christensen, Chief District Judge
United States District Court